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HAYWARD AREA RECREATION AND PARK  
DISTRICT and KEVIN HART

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH P. CUVIELLO and DENIZ  
BOLBOL, individually,

Plaintiff,

v.

ROWELL RANCH RODEO, INC.,  
HAYWARD AREA RECREATION AND  
PARK DISTRICT, HAYWARD AREA  
RECREATION AND PARK DISTRICT  
PUBLIC SAFETY MANAGER/RANGER  
KEVIN HART, and DOES 1 and 2, in  
their individually and official capacities,  
jointly and severally,

Defendants.

Case No. 3:23-cv-01652-VC

**DECLARATION OF KEVIN HART IN  
SUPPORT OF DEFENDANTS HAYWARD  
AREA RECREATION AND PARK DISTRICT  
AND KEVIN HART'S CROSS MOTION FOR  
SUMMARY JUDGMENT, OR IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

Hon. Vince Chhabria

Date: August 15, 2024  
Time: 10:00 a.m.  
Ctroom: 4 – 17<sup>th</sup> Floor

I, KEVIN HART, declare as follows:

1. I am an individual and a defendant in the above-entitled action. I make this declaration in support of Hayward Area Recreation and Park District and Kevin Hart's Motion for Summary Judgment, or in the Alternative, Summary Adjudication. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. I have personal knowledge of the following facts and could testify competently to them.

1           3.       I was on duty as the Public Safety Manager and employee of Hayward Area  
2 Recreation and Park District (“HARD”) with a shirt identifying myself as such at Rowell Ranch  
3 Rodeo on the evening of May 20, 2022.

4           4.       A security plan was created by the Rodeo group renting the park for the day which  
5 I was aware of from my previous review and approval.

6           5.       The “free speech area” was designated in the immediate area of the entrance to the  
7 parking lot. (Attached is a true and correct copy of the “free speech area”).

8           6.       I observed Plaintiffs CuvIELlo and Bolbol approaching the ticket booth area of park  
9 property on foot holding signs with graphic pictures of animal abuse.

10          7.       I observed Plaintiffs and other individual demonstrators standing directly in front  
11 of the security entrance and attempting to block visitors to the rodeo from entering the rodeo  
12 event ticket booth entrance.

13          8.       I observed Plaintiffs and demonstrators hold their signs and shout to individual  
14 visitors and de-cry how they could watch such an event where animal abuse happens. I received  
15 complaints relayed to me by Rowell Ranch volunteers that rodeo visitors felt their peace was  
16 being disturbed by the demonstrators.

17          9.       I approached an individual later identified as Plaintiff CuvIELlo who appeared to be  
18 the group leader and advised him there was a designated free speech area located towards the  
19 front entrance of the parking lot area.

20          10.       I observed demonstrators including Plaintiffs continue to demonstrate when  
21 requested to move to the designated free speech area and at times blocked the vehicle gate area  
22 being used by vehicle traffic.

23          11.       I observed Plaintiffs refuse to move and refuse to stop blocking visitors from  
24 entering the rodeo.

25          12.       Near the ticket booth area in the direct vicinity of the Plaintiffs and demonstrators  
26 was a vehicle gate that was being used a number of times by vehicle traffic. I observed  
27 demonstrators reluctantly move when faced with vehicle traffic and then immediately resume  
28 demonstrating.

13. I have reviewed the videos produced by Alameda County and Plaintiffs as well as the accompanying transcripts. The videos and transcripts are the true and correct depictions of my interaction with Plaintiffs.

14. I never told Plaintiffs they were under arrest nor subject to arrest nor subject to detention or citation at any time.

15. I had no intention of stopping the Plaintiffs and demonstrators from demonstrating at any time.

16. Additionally, I had no intention of physically moving Plaintiffs or to intimidate, coerce or threaten Plaintiffs with arrest.

17. I was informed prior to my interactions with Plaintiffs that Plaintiffs had a legal right to protest at any location of park property unless they blocked ingress and egress for emergency transportation lanes.

18. I had no authority to arrest Plaintiffs.

19. At no time did I instruct Alameda County Deputies to arrest Plaintiffs nor instruct Alameda County Deputies to threaten Plaintiffs with arrest.

20. I did not coordinate nor plan a response to the demonstrators with Deputy Mayfield nor anyone else from the Alameda County Sheriff's Department at any time prior to my interactions with Plaintiff.

21. I had no professional nor personal relationship with Deputy Mayfield prior to May 20, 2022.

22. I had no weapon on my person during my interactions with Plaintiffs nor any handcuffs.

23. I never raised my voice nor stepped toward Plaintiffs to make them feel intimidated or threatened.

24. Plaintiffs did not appear afraid of arrest at any time.

25. Plaintiffs were never stopped from protesting nor physically forced to move to the "Free Speech Area."

26. I had no further contact with Plaintiffs at any time.

27. I understood that demonstrators had a right to protest on public or quasi-public property based on my prior professional experience.

/s/ Kevin Hart  
KEVIN HART